UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/459,189	12/10/1999	Tim Haynes	4173/2	9761

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EXAMINER
KAPADIA, MILAN S

ART UNIT	PAPER NUMBER
2144	22

3C2C

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/459,189	HAYNES ET AL.
	Examiner	Art Unit	
	Milan S Kapadia	2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 January 2004*.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Notice to Applicant

1.   This communication is in response to the amendment filed 30 January

2004. Claims 1-25 are pending. Claims 1, 2, 3, 15 and 17 have been amended.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1, 2, 3, 4, 5, 6, 7, 8, 12, 14, 15, 16, 17, 18, 19, 20, 22, 23, and 24 are

rejected under 35 U.S.C. 103(a) as being unpatentable over Danford-Klein et al.

(6,041,318) in view of U-Haul's website ("www.U-Haul.com," January 25, 1998).

(A)   As per claim 1, Danford-Klein discloses an object oriented rating system

and method comprising :

a server which processes user inputs from a user's computer over a

communications network and provides information responsive thereto to the user's

computer over the communications network from which a service contract is generated

and confirmed (Danford-Klein; fig. 1 and col. 4, lines 33-42), the server comprising:

a memory (Danford-Klein; col. 6, lines 3-4) in which is stored data relating to (a)

trucks which can be rented and associated rental prices for the trucks (Danford-Klein;

Table 1(see col. 19, lines 20-25) and col. 14, lines 5-9) and (b) towing accessories and

associated rental prices for the towing accessories (Danford-Klein; Table 1(see col. 19,

lines 27-37) and col. 14, lines 5-9).

Danford-Klein fails to expressly disclose:

(b) towing accessories that can be rented and towed vehicles with which

the towing accessories can be used,

(c) expertise-based guidance relating to trucks and towing accessories, and

programming for processing user inputs, including data identifying one or

more vehicles to be towed, and data relating to the trucks and towing accessories

to access the memory and provide expertise-based guidance relating to towing

accessories to a user computer over the communications network, the expertise-

based guidance based at least in part on the one or more identified vehicles.

U-Haul discloses a website which teaches towing accessories that can be

rented and towed vehicles with which towing accessories can be used (U-Haul;

pages 7 and 8), expertise-based guidance relating to trucks and accessories (U-

Haul; pages 7, 12, and 13), and programming for processing user inputs, including

data identifying one or more vehicles to be towed, and data relating to the trucks

and towing accessories to access the memory (U-Haul; page 6; it is respectfully

noted that the trucks to be rented can also the vehicles to be towed) and provide

expertise-based guidance relating to towing accessories to a user computer over

the communications network, the expertise-based guidance based at least in part

on the one or more identified vehicles (U-Haul; pages 7 and 8). It would have been obvious to one having ordinary skill in the art at the time the invention was made to expand Danford-Klein's system to include towed accessories that can be rented and towed vehicles with which towing accessories can be used, expertise-based guidance relating to trucks and accessories and programming for processing user inputs, including data identifying one or more vehicles to be towed, and data relating to the trucks and towing accessories to access the memory and provide expertise-based guidance relating to towing accessories to a user computer over the communications network, the expertise-based guidance based at least in part on the one or more identified vehicles as disclosed by U-Haul with the motivation of helping customers plan their own do-it yourself move (U-Haul; page 18).

(B)   Claim 2 differs from claim 1 by reciting the limitation "programming responsive to a user input identifying a vehicle to be towed which accesses the memory and provides to the user computer over the communications network data indicating availability or not of a towed accessory for the identified vehicle to be towed in accordance with the data set."

Danford-Klein fails to teach this limitation. However, U-Haul discloses a website which teaches programming responsive to a user input identifying a vehicle to be towed which accesses the memory and provides to the user computer over the communications network data indicating availability or not of a towed accessory for the identified vehicle to be towed in accordance with the data set (U-Haul; page 8; the Examiner interprets determining that the moving van is "not equipped to tow" as meeting this limitation). It

would have been obvious to one having ordinary skill in the art at the time the invention

was made to expand Danford-Klein's system to respond to user input by identifying a

vehicle to be towed which accesses the memory and provides to the user computer over

the communications network data indicating availability or not of a towed accessory for

the identified vehicle to be towed in accordance with the data set as disclosed by U-Haul

with the motivation of helping customers plan their own do-it yourself move (U-Haul;

page 18).

(C)   As per claim 3, Danford-Klein discloses memory in which is stored a data

set relating to pick-up and drop-off locations for vehicles to be rented (Danford-Klein;

col. 13, line 52-col. 14, line 4; The examiner interprets "origin/destination" as pick-up

and drop-off locations.")

Danford-Klein fails to expressly disclose programming responsive to a user input

identifying a geographical location in which the user desires to drop off a rented vehicle

which accesses the memory and provides to the user computer over the communications

network data indicating at least two locations closest to the geographic location input for

pick-up and at least two locations nearest to the geographic location input for drop-off.

U-Haul discloses a website which teaches a U-haul location finder that finds U-Haul

locations closest to an address inputted by the user (U-Haul; page 9). It would have been

obvious to one having ordinary skill in the art at the time the invention was made to

expand Danford-Klein's system to include a location finder as disclosed by U-Haul with

the motivation of helping customers plan their own do-it yourself move (U-Haul; page

18).

(D)   As per claim 4, Danford-Klein fails to expressly disclose the

communications network as the Internet and the programming provides the data to the

user computer in the context of one or more web pages. U-Haul discloses a website for

truck renting to be used over the Internet and providing data to user computer in the

context of web pages (U-Haul; page 3). It would have been obvious to one having

ordinary skill in the art at the time the invention was made to expand Danford-Klein's

system to include the use of the Internet and providing to customers the data in the

context of web pages as disclosed by U-Haul with the motivation of helping customers

plan their own do-it yourself move (U-Haul; page 18).

(E)   As per claim 5, Danford-Klein discloses a payment-processing subsystem

for establishing payment arrangements with the user in response to user inputs providing

payment data communicated to the server over the communications network.(Danford-

Klein; col. 4, lines 35-42; the examiner interprets "cause payment for such shipment" as a

"payment-processing subsystem.")

(F)   As per claim 6, Danford-Klein discloses the memory stores a data set

relating to discounts available to qualified users, and wherein the server, responsive to

user inputs providing data relating to discount eligibility, provides a quote for rental of a

selected truck including a discount corresponding to the user inputted discount eligibility

data (Danford-Klein; col. 14, lines 26-43).

(G)   As per claim 7, Danford-Klein discloses the server, responsive to user

inputs corresponding to truck selection (Danford-Klein; Table 1), pick-up and drop-off

locations (Danford-Klein; col. 13, lines 52-54), and a pickup date (Danford-Klein; col.

15, lines 38-43; The examiner interprets "shipping date" as "pick-up date"), generates a

service contract data set, including a quote for the truck rental, associated with the user to

be provided to the user's computer over the communications network(Danford-Klein; col.

4, lines 35-43; the examiner interprets "generate an order for such a shipment" as

"generates a service contract" and interprets "generate a bill for such shipment" as

"including a quote for truck rental.")

(H)   As per claim 8, Danford-Klein discloses the user inputs include a selection

of moving accessories; and wherein the server generates the service contract data set

associated with the user and including the costs for the accessories in the quote for the

truck rental. (Danford-Klein; Table 1 and col. 14, lines 5-9; Note output of rating server

is returned as quote to client (Danford-Klein; col. 4, lines 35-43)).

(I)   As per claim 12, Danford-Klein fails to expressly disclose a web page

including data fields containing all information necessary for a service contract , the

information either provided in response to user input data or data available from the

system, in which all also data fields may be modified on the web page by the user without

having to revert to another web page. U-Haul discloses a website with a rate request

form where user can enter all data from one web page (U-Haul; pages 5-7). It would

have been obvious to one having ordinary skill in the art at the time the invention was made to expand Danford-Klein's system to include the use a single web page for user input as disclosed by U-Haul with the motivation of helping customers plan their own do-it yourself move (U-Haul; page 18).

(J)   Claim 14 repeats features previously addressed in the rejections of claims 1 and 2 and are therefore rejected for the same reasons as claims 1 and 2, and incorporated herein.

(K)   Claim 15 repeat features previously addressed in the rejection of claim 3 and is therefore rejected for the same reasons as claim 3, and incorporated herein.

(L)   Claim 16 repeat features previously addressed in the rejection of claim 12 and is therefore rejected for the same reasons as claim 12, and incorporated herein.

(M)   Claim 17 repeat features previously addressed in the rejections of claims 1-4 and 12 and is therefore rejected for the same reasons as claims 1-4 and 12, and incorporated herein.

(N)   As per claim 18, Danford-Klein and U-Haul collectively teach wherein the expertise-based information includes a table of vehicle towing information (Danford-Klein; Table 1, col. 17-19) but collectively fail to expressly disclose:

receiving user-input selections of equipment including a selection of a truck for

rental and a selection of a vehicle type for towing by the selected truck;

accessing the vehicle towing table to determine if the selected vehicle is capable

of being towed by the selected truck; and

generating a towing advice indication for display to the user whether the selected

truck is appropriate for towing the selected vehicle.

However, the combined system of Danford-Klein and U-Haul collectively teach

displaying information on whether a selected truck can tow a selected vehicle (U-Haul;

page 7). As such, it would have been obvious to one having ordinary skill in the art at the

time the invention was made to expand the collective system taught by Danford-Klein

and U-Haul to access a vehicle towing table to determine if the selected vehicle is

capable of being towed by the selected truck and generating a towing advice indication

for display to the user whether the selected truck is appropriate for towing the selected

vehicle, with the motivation of preventing the user from selecting a truck incapable of

towing desired vehicle.

(O)   Claim 19 differs from claim 3 by reciting the limitation "includes an

affiliate table of truck-rental affiliates including geographic locations and a table storing

travel directions to affiliates," in the preamble and the step of "accessing providing the

travel directions for display to the user." Danford-Klein and U-Haul collectively fail to

expressly disclose these limitations. However, since the combined system of Danford-

Klein and U-Haul collectively teach determining the geographic locations of affiliates

closest to a desired address and it is respectfully submitted, that storing and determining

of travel directions between two locations are well known in the computer arts. It is

respectfully submitted, that it would have been obvious to one skilled in the art to modify

the collective system Danford-Klein and U-Haul to include a table for storing truck-rental

affiliates including geographic locations and travel directions to affiliates and accessing

the tables and displaying the travel directions to the user, with the motivation of enabling

the user to travel to the nearest affiliates.

(P)   Claim 20 repeat features previously addressed in the rejection of claim 5

and is therefore rejected for the same reasons as claim 5, and incorporated herein.

(Q)   Claim 22 repeat features previously addressed in the rejection of claim 6

and is therefore rejected for the same reasons as claim 6, and incorporated herein.

(R)   Claim 23 repeat features previously addressed in the rejection of claim 7

and is therefore rejected for the same reasons as claim 7, and incorporated herein.

(S)   Claim 24 repeat features previously addressed in the rejection of claim 8

and is therefore rejected for the same reasons as claim 8, and incorporated herein.

4.   Claims 9, 10, 11, 21 and 25 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Danford-Klein (6,041,318) and U-Haul's website ("www.U-

Haul.com," January 25, 1998) as applied to the claims 7, 20 and 22 above and further in

view of Brandt et al. (6,125,384).

(A)   As per claim 9, Danford-Klein and U-Haul collectively fail to expressly disclose the user inputs include a reservation confirmation command and wherein the server, responsive to the reservation confirmation command, generates a confirmation message to be provided to the user's computer through the communications interface. However, this feature is old and well known in the art, as evidenced by Brandt. Brandt discloses a car rental system over the Internet where the user submits a rental request (Brandt; col. 15, lines 42-44; the examiner interprets "submits" as a "reservation confirmation command") and the server sends a reservation confirmation to the client (Brandt; col. 19, lines 24-27). It would have been obvious to one having ordinary skill in the art at the time the invention was made to expand the collective system taught by Danford-Klein and U-Haul with Brandt's teaching with regard confirmation requests and responses with the motivation of providing transaction support procedures for accessing software applications over the WWW (Brandt; col. 3, lines 17-24).

(B)   Claim 10 differs from claims 1-9 and 19 by reciting the limitation "a web server for providing a plurality of web pages accessible through the Internet and for processing user inputs received through the Internet from a user's computer operating an Internet browser displaying the plurality of web pages, at least one web page having at least one input field for receiving the user inputs; and a backend server operatively connected to the web server and responsive to the user inputs."

Danford-Klein and U-Haul collectively fail to teach this limitation. However, Brandt discloses a car rental system where the client uses a web browser to make a reservation

from a web server operatively connected to a backend server that sends a reservation

confirmation to the web client (Brandt; fig. 1 and col. 19, lines 24-47). It would have

been obvious to one having ordinary skill in the art at the time the invention was made to

expand the collective system taught by Danford-Klein and U-Haul with Brandt's teaching

with regarding an Internet based reservation system with the motivation of allowing a

user of the web browser to more easily access software applications over the WWW

(Brandt; col. 3, lines 25-26).

(C)   As per claim 11, Danford-Klein, U-Haul, and Brandt collectively fail to expressly

disclose the at least one program module, responsive to modifications of the user inputs

prior to confirmation of the reservation, modifies the reservation information. However,

since U-Haul teaches providing programming that enables a user to modify reservation

information prior to confirmation of the reservation (U-Haul; pages 5-6), it is respectfully

submitted, that it would have been obvious to one having ordinary skill in the art at the

time the invention was made to expand the collective system taught by Danford-Klein, U-

Haul, and Brandt to modify reservation information responsive to modifications by the

user prior to confirmation of the reservation with the motivation of saving the users

modifications.

(D)   As per claim 21, Danford-Klein and U-Haul collectively fail to expressly disclose

the user inputs include credit card information. However, this feature is old and well

known in the art, as evidenced by Brandt. Brandt discloses a car rental system over the

Internet where the user can input credit card information (Brandt; col. 2, lines 16-33. It

would have been obvious to one having ordinary skill in the art at the time the invention

was made to expand the collective system taught by Danford-Klein and U-Haul with

Brandt's teaching with regard to user inputting credit card information with the

motivation of providing transaction support procedures for accessing software

applications over the WWW (Brandt; col. 3, lines 17-24).

(E)   Claim 25 repeat features previously addressed in the rejection of claim 9 and is

therefore rejected for the same reasons as claim 9, and incorporated herein.

Response to Arguments

5.   Applicant's arguments with respect to amended claims 1, 2 , 3, 15 and 17 have

been considered but are moot in view of the new ground(s) of rejection.

(A)   At pages 9-12 of the 1/30/04 communication, Applicant argues each of the

applied references individually. In response, the Examiner respectfully submits that one

cannot show nonobviousness by attacking references individually where the rejections

are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871

(CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In

particular, the teachings that Applicant argues are missing from the Danford-Klein

reference are clearly disclosed in the respective teachings of U-Haul, when considered

collectively with that of Danford-Klein, as discussed in detail within a prior Office

Action (paper number 19) and in the preceding rejections, and incorporated herein.

In addition, it is respectfully submitted that the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

6.   Applicant's arguments filed 1/30/04 have been fully considered but they are not persuasive. Applicant's arguments will be addressed herein below in the order in which they appear in the response filed 1/30/04.

(A)   At pages 10 and 12-14 of the 1/30/04 response, Applicant argues that "neither Danford-Klein nor U-Haul disclose or suggest any systems comprising data sets relating to towing accessories that can be rented and towed vehicles with which the towing accessories can be used" in reference to claims 1, 2, 4-11, 14 and 17-25. In response, the Examiner respectfully submits that U-Haul clearly teaches such features. As discussed in the interview discussed on January 8, 2003, U-Haul on page 8 teaches the suitability and availability of a particular towing accessory for a vehicle to be towed. As such, the Examiner maintains that U-Haul teaches data sets relating to towing accessories that can be rented and towed vehicles with which the towing accessories can be used.

(B)   At pages 11-12 of the 1/30/04 response, Applicant argues that "...the claimed functionality of using computer programs to provide multiple pick-up and drop-off

locations for rental vehicles is not disclosed or suggested by the cited references " in

reference to claims 3, 10-11 and 15. In particular, Applicant sates that the cited section

on page 9 of the U-Haul reference discloses a location finder adapted to find a single

location nearest to the system user. In response, the Examiner respectfully notes that on

page 9, U-Haul is adapted to find multiple locations near the system user as shown by

this language shown on page 9: "Find the U-Haul **Locations** Closes to You" (i.e.,

locations is plural). Therefore the Examiner maintains that the features of claims 3 and 15

are taught by the applied prior art of record.

(C)   At page 12 of the 1/30/04 response, Applicant argues that "…nor do the cited

references provide any disclosure or suggestion of accessing and displaying directions to

a plurality of locations " in reference to claims 10-11. In response, The Examiner notes

that this feature repeats the features of claim 19 and as explained above and incorporated

herein, is obvious over the teachings of Danford-Klein and U-Haul.

(D)   At pages 12 and 13 of the 7/29/03 response, Applicant argues that "…the

Examiner has acknowledged that both Danford-Klein and U-Haul fail to disclose,

either singly or in combination, a web page including data fields providing all

information which the system provides to a user information necessary for a

service contract in response either to user input or data available from the

system in which all data fields may be on the web page by the user without

having to revert to another web page" in reference to claims 12 and 16. In

response, the Examiner respectfully submits that the Examiner never

acknowledged that the argued features were not taught by U-Haul. As shown

above in the rejections of claims 12 and 16 and incorporated herein, the

Examiner pointed to relevant sections of the U-Haul reference that taught the

recited features. In particular, U-Haul's reservation request form is provided in

response to user input. If a user decides obtain an online rate quote by selecting

the link (i.e., provides input (see page 4 of the U-Haul reference) then the system

does generate a web page in response to user input (U-Haul; pages 5-7).

Moreover, the web pages provided are based on "data available to the system."

For example, the pull-down menus provided on page 6 of the U-Haul reference

are definitely based on data of moving vans U-Haul provides, thus available to

the system. In regards to arguments in reference to claim 16, similar reasoning

applies and the preceding responses are incorporated herein (Also see MPEP

§ 608.01(m)).

Furthermore, the Examiner recognizes that references cannot be

arbitrarily altered or modified and that there must be some reason why one

skilled in the art would be motivated to make the proposed modifications. And

although the motivation or suggestion to make modifications must be articulated,

it is respectfully submitted that there is no requirement that the motivation to

make modifications must be expressly articulated within the references

themselves. References are evaluated by what they suggest to one versed in

the art, rather than by their specific disclosures, In re Bozek, 163 USPQ 545

(CCPA 1969). The issue of obviousness is not determined by what the

references expressly state but by what they would reasonably suggest to one of

ordinary skill in the art, as supported by decisions in *In re DeLisle* 406 Fed 1326,

160 USPQ 806; *In re Kell, Terry and Davies* 208 USPQ 871; and *In re Fine*, 837

F.2d 1071, 1074, 5 USPQ 2d 1596, 1598 (Fed. Cir. 1988) (citing *In re Lalu*, 747

F.2d 703, 705, 223 USPQ 1257, 1258 (Fed. Cir. 1988)). Further, it was

determined in *In re Lamberti et al*, 192 USPQ 278 (CCPA) that:

> (i)   obviousness does not require absolute predictability;

> (ii)____non-preferred embodiments of prior art must also be considered;

and

> (iii) the question is not express teaching of references, but what they

would suggest.

According to *In re Jacoby*, 135 USPQ 317 (CCPA 1962), the skilled

artisan is presumed to know something more about the art than only what is

disclosed in the applied references.   In *In re Bode*, 193 USPQ 12 (CCPA 1977),

every reference relies to some extent on knowledge of persons skilled in the art

to complement that which is disclosed therein.

According to *Ex parte Berins*, 168 USPQ 374 (Bd. Appeals), there is no

statutory limitation as to the number of references that may be used to

demonstrate obviousness...not what references expressly state but what they

would reasonably suggest to one of ordinary skill in the art. In *In re Conrad*, 169

USPQ 170 (CCPA), obviousness is not based on express suggestion, but what

references taken collectively would suggest.

In the instant case, the Examiner respectfully notes that each and every

motivation to combine the applied references are accompanied by select portions

of the respective reference(s) which specifically support that particular

motivation. As such, it is NOT seen that the Examiner's combination of

references is unsupported by the applied prior art of record. Rather, it is

respectfully submitted that explanation based on the logic and scientific

reasoning of one ordinarily skilled in the art at the time of the invention that

support a holding of obviousness has been adequately provided by the

motivations and reasons indicated by the Examiner, *Ex parte Levengood*, 28

USPQ2d 1300 (Bd. Pat. App. & Inter., 4/22/93).

Conclusion

7.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

advisory action. In no event, however, will the statutory period for reply expire later than

SIX MONTHS from the date of this final action.

8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Milan S Kapadia whose telephone number is 703-305-

3887. The examiner can normally be reached on Monday through Friday, 8:30 A.M. to

5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David Wiley can be reached on 703-308-5221. The fax phone numbers for

the organization where this application or proceeding is assigned are 703-872-9306 for

regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 703-308-

1113.

WILLIAM A. CUCHLINSKI, JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

mk

May 13, 2004